

IN THE SUPREME COURT OF NEW ZEALAND

SC 70/2011  
[2011] NZSC 71

BETWEEN	KEITH ALLENBY Appellant
AND	H First Respondent
AND	MIDDLEMORE HOSPITAL OF COUNTIES MANUKAU DISTRICT HEALTH BOARD Second Respondent
AND	ACCIDENT COMPENSATION CORPORATION Interested Party

Court: Tipping, McGrath and William Young JJ

Counsel: A H Waalkens QC for Appellant  
J M Miller for First Respondent  
P N White for Second Respondent  
B A Corkill QC for Accident Compensation Corporation

Judgment: 30 June 2011

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**JUDGMENT OF THE COURT**

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The first and second respondents consent to the granting of leave to appeal to the appellant. The Accident Compensation Corporation, which is a party entitled to be heard pursuant to s 320 of the Accident Compensation Act 2001, abides the decision of the Court on the leave application.

**A      The case is clearly one in respect of which leave should be granted and we therefore grant leave.**

**B      The approved ground of appeal is whether the Court of Appeal was correct in answering the question before it in the negative.<sup>1</sup>**

Solicitors:  
Fisher Lamberg, Auckland for Appellant  
John Miller Law, Wellington for First Respondent

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<sup>1</sup>      *Allenby v H* [2011] NZCA 251.